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IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-NINTH LEGISLATIVE DAY
TUESDAY, MARCH 27, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 9 a.m.

Roll call showed all members present except Senator McKenzie, absent and formally excused by the Chair; and Senators Brackett, Corder, Goedde, and Tippets, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Marc Christensen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 26, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 27, 2012

The JUDICIARY AND RULES Committee reports that [S 1415](#) and [S 1416](#) have been correctly printed.

DARRINGTON, Chairman

[S 1415](#) and [S 1416](#) were referred to the Finance Committee.

March 26, 2012

The JUDICIARY AND RULES Committee reports that Enrolled [SCR 123](#) was delivered to the Office of the Secretary of State at 2:02 p.m., March 26, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 26, 2012

The JUDICIARY AND RULES Committee reports that Enrolled [S 1270](#), [S 1280](#), [S 1295](#), as amended, and [S 1330](#) were delivered to the Office of the Governor at 2:15 p.m., March 26, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 27, 2012

The JUDICIARY AND RULES Committee reports that [S 1383](#), as amended, [S 1401](#), [S 1402](#), [S 1403](#), [S 1404](#), [S 1405](#), [S 1393](#), [S 1394](#), [S 1396](#), [S 1397](#), [S 1398](#), [S 1399](#), [S 1400](#), [SCR 125](#), [SCR 130](#), [SCR 131](#), [SCR 132](#), [SJM 103](#), [SJM 104](#), and [SJM 105](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1383](#), as amended, [S 1401](#), [S 1402](#), [S 1403](#), [S 1404](#), [S 1405](#), [S 1393](#), [S 1394](#), [S 1396](#), [S 1397](#), [S 1398](#), [S 1399](#), [S 1400](#), [SCR 125](#), [SCR 130](#), [SCR 131](#), [SCR 132](#), [SJM 103](#), [SJM 104](#), and [SJM 105](#) and ordered them transmitted to the House for the signature of the Speaker.

Senator Goedde was recorded present at this order of business.

March 26, 2012

The RESOURCES AND ENVIRONMENT Committee reports out [HJR 2](#), as amended, with the recommendation that it do pass.

PEARCE, Chairman

[HJR 2](#), as amended, was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 26, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), [S 1354](#),
[S 1361](#), [S 1367](#), [S 1375](#), [S 1376](#), [S 1382](#), and
[S 1384](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 26, 2012

Dear Mr. President:

I transmit herewith [H 694](#), [H 695](#), and [H 696](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 694](#), [H 695](#), and [H 696](#) were filed for first reading.

March 26, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 619](#), as amended, [H 583](#), [H 515](#), as amended, [H 584](#), as amended, [H 634](#), [H 551](#), [H 648](#), [HJM 13](#), [HCR 46](#), and [HCR 49](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 619](#), as amended, [H 583](#), [H 515](#), as amended, [H 584](#), as amended, [H 634](#), [H 551](#), [H 648](#), [HJM 13](#), [HCR 46](#), and [HCR 49](#) and ordered them returned to the House.

March 26, 2012

Dear Mr. President:

I return herewith [S 1343](#), [S 1363](#), [S 1365](#), [S 1366](#), and [S 1373](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1343](#), [S 1363](#), [S 1365](#), [S 1366](#), and [S 1373](#) were referred to the Judiciary and Rules Committee for enrolling.

Senators Brackett, Corder, and Tippets were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 694](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 695](#) and [H 696](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 684](#), [H 685](#), and [H 686](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[S 1256](#), as amended in the House, by Resources and Environment Committee, was read the second time at length and filed for third reading.

[S 1412](#), [S 1413](#), and [S 1414](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 672](#), by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

President Pro Tempore Hill called Senator Smyser to the Chair.

[H 677](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Broadsword, McKenzie, Schmidt. Total - 3.

Total - 35.

Whereupon the Acting President declared [H 677](#) passed, title was approved, and the bill ordered returned to the House.

[H 678](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Broadsword, McKenzie, Schmidt. Total - 3.

Total - 35.

Whereupon the Acting President declared [H 678](#) passed, title was approved, and the bill ordered returned to the House.

[H 679](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Brackett, Broadsword, McKenzie, Schmidt. Total - 4.

Total - 35.

Whereupon the Acting President declared [H 679](#) passed, title was approved, and the bill ordered returned to the House.

Acting President Smyser called Senator LeFavour to the Chair.

[H 680](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippetts, Vick, Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Brackett, Broadsword, McKenzie, Schmidt, Toryanski. Total - 5.

Total - 35.

Whereupon the Acting President declared [H 680](#) passed, title was approved, and the bill ordered returned to the House.

[H 681](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Brackett, Broadsword, Corder, McKenzie. Total - 4.

Total - 35.

Whereupon the Acting President declared [H 681](#) passed, title was approved, and the bill ordered returned to the House.

[H 611](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Brackett, McKenzie. Total - 2.

Total - 35.

Whereupon the Acting President declared [H 611](#) passed, title was approved, and the bill ordered returned to the House.

Acting President LeFavour called Senator McKague to the Chair.

[H 661](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Rice arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Bair, McKenzie. Total - 2.

Total - 35.

Whereupon the Acting President declared [H 661](#) passed, title was approved, and the bill ordered returned to the House.

[H 624](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, Mortimer, Rice, Schmidt, Smyser, Stennett, Tippetts, Toryanski, Werk, Winder. Total - 28.

NAYS—Fulcher, McKague, Nuxoll, Pearce, Siddoway, Vick. Total - 6.

Absent and excused—McKenzie. Total - 1.

Total - 35.

Whereupon the Acting President declared [H 624](#) passed, title was approved, and the bill ordered returned to the House.

Acting President McKague called Senator Bilyeu to the Chair.

[H 649](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, LeFavour, Lodge, Malepeai, Mortimer, Schmidt, Siddoway, Stennett, Tippetts, Toryanski, Werk, Winder. Total - 26.

NAYS—Fulcher, Keough, McKague, Nuxoll, Pearce, Rice, Smyser, Vick. Total - 8.

Absent and excused—McKenzie. Total - 1.

Total - 35.

Whereupon the Acting President declared [H 649](#) passed, title was approved, and the bill ordered returned to the House.

H 372 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKenzie. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 372** passed, title was approved, and the bill ordered returned to the House.

H 575 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Corder, Darrington, McKenzie. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 575** passed, title was approved, and the bill ordered returned to the House.

President Pro Tempore Hill returned to the Chair.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Twelfth Order of Business.

Second Reading of Bills

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of **HJR 2**, as amended, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **HJR 2**, as amended, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Corder, McKenzie. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared the rules suspended.

HJR 2, as amended, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Tippetts, Toryanski, Vick, Winder. Total - 31.

NAYS—Bilyeu, Stennett, Werk. Total - 3.

Absent and excused—McKenzie. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared **HJR 2**, as amended, adopted, title was approved, and the resolution ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 9 a.m., Wednesday, March 28, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary